

24300. Adulteration of canned tomato puree. U. S. v. 208 Cases, et al., of Canned Tomato Puree. Default decrees of condemnation and destruction. (F. & D. nos. 34554, 34555, 34561, 34578. Sample nos. 24015-B to 24018-B, incl.)

These cases involved canned tomato puree which was found to contain excessive mold.

On December 12, 13, 17, and 18, 1934, the United States attorney for the Eastern District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 2,801 cases of canned tomato puree at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce in part on or about October 3, 1934, in the name of the Barker Canning Co., and in part on or about October 20 and November 7, 1934, in the name of the Barker Canning Corporation, from Barker, N. Y., and charging adulteration in violation of the Food and Drugs Act. A portion of the article was labeled: (Can) "Barker Brand [or "Sylvia Brand"] Tomato Puree." The remainder of the article was unlabeled.

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed vegetable substance.

On February 1, 1935, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

24301. Adulteration of ripe olives. U. S. v. 10 Barrels of Ripe Olives. Default decree of condemnation and destruction. (F. & D. no. 34570. Sample no. 16797-B.)

This case involved an interstate shipment of ripe olives which were found to be undergoing active decomposition.

On December 17, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 10 barrels of ripe olives at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about October 25, 1934, by Alexander B. Stewart, from Exeter, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Olympic Olives Alexander B. Stewart, Exeter, Calif."

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed vegetable substance.

On January 21, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

24302. Adulteration and misbranding of Champyne Americaine. U. S. v. 5 Bottles, et al., of Champyne Americaine. Decrees of condemnation. Portion of product ordered released under bond. (F. & D. nos. 34582 to 34594, incl., 34676. Sample nos. 4562-B, 4563-B, 4565-B, 4566-B.)

The product involved in these cases consisted of an effervescent alcoholic beverage having the flavor of a fermented apple product which was labeled and bottled in a manner that conveyed the impression that it was champagne.

On December 20 and December 31, 1934, the United States attorney for the District of Columbia, acting upon reports by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a district court, libels praying seizure and condemnation of 156 cases and 104 bottles of Champyne Americaine at Washington, D. C., alleging that the article remained unsold and in the original unbroken packages in various lots in the possession of the Arcade Liquor Shop, Jameson's Wine & Liquor Co., Ritz Wine & Liquor Shop, A. Mostow, Sexton-Rhodes Wine & Liquor Co., Schnider's Wine & Liquor Store, University Market, Manhattan Wine & Liquor Shop, Auerbacks Liquor Shop, Martins Wine & Liquor Shop, M. T. Chaconas, Eig's Liquor Store, Shepherd Park Wine & Liquor Co., and Heidsik Distributing Corporation, Inc., of Washington, D. C., and was being sold and offered for sale in the District of Columbia and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Bottle) "The Connoisseurs Choice' Champyne Americaine by Carlenes, Ltd. Semi Dry * * * Carlenes' Imperial * * * California Vineyards Company Chicago New York Los Angeles."

The article was alleged to be adulterated in that an effervescent alcoholic beverage having the flavor of a fermented apple product had been substituted for champagne.

Misbranding was alleged for the reason that the statement appearing on the shoulder label, "Champyne Americaine", was false and misleading and tended to deceive and mislead the purchaser since the product was not champagne; for the further reason that the design on the main bottle label depicting a medieval walled city and the typical champagne bottle of thick glass with the pushed-up bottom and champagne-style wired-in cork stopper, were misleading and tended to deceive and mislead the purchaser when used in connection with an effervescent alcoholic beverage having the flavor of a fermented apple product, and which was not champagne; and for the further reason that the article was offered for sale under the distinctive name of another article.

On January 16, 1935, the cases, with one exception, were terminated by the entry of default decrees ordering the product condemned and disposed of in a manner which would not violate the Federal Food and Drugs Act. On March 21, 1935, the Heidsik Distributing Co. Inc., having filed a claim for 47½ cases seized under the remaining libel, judgment of condemnation was entered and it was ordered that the said 47½ cases of the product be released to the claimant under bond, conditioned that it be relabeled in a manner approved by this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

24303. Adulteration of frozen mixed eggs. U. S. v. 395 Cans of Frozen Mixed Eggs. Consent decree of condemnation. Product released under bond for segregation and destruction of decomposed portion. (F. & D. no. 34601. Sample no. 7391-B.)

This case involved an interstate shipment of frozen mixed eggs which were found to be in part decomposed.

On December 29, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 395 cans of frozen mixed eggs at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about March 13, 1934, by Krasno Quality Egg Co., from Milwaukee, Wis., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed animal substance.

On February 8, 1935, Theodore Aaron, New York, N. Y., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond, conditioned that the decomposed portion be separated therefrom and destroyed or denatured.

M. L. WILSON, *Acting Secretary of Agriculture.*

24304. Adulteration of apples. U. S. v. 292 Bushels of Apples. Consent decree of condemnation. Product released under bond, conditioned that deleterious substances be removed. (F. & D. no. 34658. Sample no. 25701-B.)

Examination of the apples involved in this case showed the presence of arsenic and lead in amounts that might have rendered them injurious to health.

On or about November 3, 1934, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 292 bushels of apples at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about October 26, 1934, by Leroy N. Markham Co., from Bangor, Mich., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Leroy N. Markham Bangor Mich Stark."

The article was alleged to be adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, in amounts which might have rendered it injurious to health.

On January 30, 1935, the Leroy N. Markham Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond, conditioned that the deleterious substances be removed by peeling or washing under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*